

News Ship wreck

SA seeks return of R775m silver hoard

By PREGA GOVENDER

For almost 72 years, 2,391 bars of silver lay undisturbed in the hull of a torpedoed ship at the bottom of the Indian Ocean.

Now the South African government is embroiled in a high court battle in the UK with British treasure hunter and former racing driver Ross Hyett over the precious cargo, worth about \$43m (R775m) at the time it was salvaged five years ago.

Hyett's company, Argentum Exploration, recovered the silver from the ocean bed in 2017.

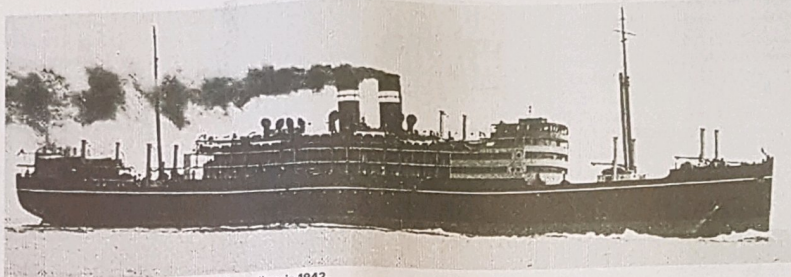
It shipped the silver to Southampton and declared it to the Receiver of Wreck, a UK government agency that, according to its website, ensures "the interests of both salvor and owner are taken into consideration".

A year later, SA claimed ownership of the silver bars, which the former Union of South Africa bought in 1942 from the Bombay mint in India. The silver was destined for the mint in Pretoria.

The 60t cargo was transported on the British-registered SS Tilawa, which was also carrying 958 people, 732 of them passengers.

The ship was torpedoed by a Japanese submarine early in the morning of November 23 1942, northwest of the Maldives.

Government awaits outcome of UK case against treasure hunter who salvaged silver bars from World War 2 wreck



The SS Tilawa that sank with South African silver in 1942.

The HMS Birmingham responded to distress calls and took 678 survivors back to the then Bombay. About 280 people drowned.

Hyett's company secured the services of Advanced Maritime Services in July 2012 to find the wreck, which was located in December 2014.

During the secret salvage operation, which took six months, the recovered silver

was reportedly hidden in a basket lowered to the seabed in international waters to avoid it being seized.

Hyett, 67, is a former executive director of the British Racing Drivers' Club, which owns Silverstone race circuit, and twice completed the 24 Hours of Le Mans race.

Argentum, which has accepted that SA is the owner of the silver, brought a claim in

court for an unspecified salvage award. SA, in turn, argued it has immunity from the jurisdiction of the court and asked it to dismiss the Argentum claim.

But in a ruling in the Admiralty Court in December 2020, Judge Sir Nigel Teare rejected SA's argument and ruled that "the ship and cargo were, at the time the cause of action in salvage arose, in use for commercial

purposes". He stated in his judgment that SA maintained that if it was immune from the jurisdiction of the court, the Receiver of Wreck would be obliged to deliver the silver to SA without any salvage being paid.

However, Teare granted SA leave to appeal. The appeal hearings were completed in July and judgment was reserved.

In the appeal hearings, counsel for Argentum, Stephen Hofmeyr QC, said the company had retrieved the silver "at substantial expense and having applied considerable effort".

"The republic [of SA] does not deny that the silver has been salvaged or that subject to its two defences, the salvor is in principle entitled to salvage. Instead, the republic is now seeking to get out of the obligation to pay salvage, relying on state immunity."

Representing SA in the appeal hearings, Christopher Smith QC said Teare had erred in concluding that granting immunity to the Pretoria government "would be surprising" because it had "exposed itself to a liability in salvage by reason of having chosen to have its property carried by sea".

Smith said the hearing "is not concerned with whether we are liable to pay salvage", adding: "This hearing is concerned about whether we are susceptible to the jurisdiction of the courts on the claim against the cargo."

The SA government has retained the London-based law firm Holman Fenwick Willan to represent it in the case.

Justice department spokesperson Chrispin Phiri said the solicitor-general, who is responsible for civil litigation by the state, was looking into the matter.

Tragedy haunted SA survivor till his death

By PREGA GOVENDER

Pretoria grandfather Haroon Tar Mahomed, 69, has spent decades chronicling the intriguing tale of the sinking of SS Tilawa in World War 2.

One of his vivid recollections is how his father Moosa, one of the survivors, was tormented with guilt for the rest of his life after losing his younger brother, Omar, 13, in the tragedy.

Omar and Mahomed's two uncles, Joosub Hassim, 20, and Omar Mockaria, 21, were among the 280 people who drowned when a Japanese submarine torpedoed the passenger ship on November 23 1942.

Moosa and Omar were returning to SA after visiting family in India, while Hassim and Mockaria had just got married on the subcontinent.

The ship was sailing from the then Bombay - now Mumbai - en route to Mombasa, Maputo and Durban when it was torpedoed northwest of the Maldives.

His voice trembling with emotion, Mahomed said his father, who was 24 at the time, heard a "thud" when the first torpedo struck the ship.

"There was a mad rush for the lifeboats. Many of the crew were the first to rush towards the lifeboats and they took a few passengers but a lot of people were left stranded."



The passport and driver's licence of Moosa Mahomed who survived the sinking of the SS Tilawa

His father and his brother had to make a very painful decision because they had only one life jacket.

"My father insisted that my uncle wear the life jacket but he refused, saying: 'You don't know how to swim and I know how to swim'. My uncle insisted that my father wear the life jacket. There was an understanding that they will be holding each other's hands."

He said both managed to reach one of the lifeboats but during the frantic attempts to release it into the water "it came loose on one end but the other end was stuck".

"It tilted and they fell from the lifeboat into the water. My dad told us he was holding Omar in his hands when they fell into the sea."

"As they hit the water, my dad lost consciousness. He could not recollect what happened. All he can remember was coming up for air but his brother was not there."



Haroon Tar Mahomed from Pretoria West tells a story of his father who was rescued from the sinking SS Tilawa, which was transporting silver bars. Pictures: Denvor de Wee

His father held onto a piece of timber to stay afloat and spent two nights clinging to it.

"He also pulled an old man onto the plank. Bodies were floating all around. It was reminiscent of scenes from the Titanic when

it sank."

Mahomed said his father kept on shouting out his brother's name. Moosa was eventually rescued by the HMS Birmingham.

"My father, who passed on in 1983, did not speak a lot about it but felt responsible be-

cause he had his younger brother in his care and he lost him."

Mahomed said the family would be happy if the government donated even 1% of the proceeds of the silver to honour the victims of the Tilawa.

"A foundation could be set up where study bursaries could be offered, for example, to families of the survivors and also to those whose loved ones were lost at sea. It's a huge pity that it has become a forgotten tragedy."